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*England - Parliament [Bills - II. George II.]*



*Read 23 Feb  
1759  
Enacted 32  
Geo. II. Public Acts  
C. 53.*

*A BILL for Repairing and Widening the Roads from Grantham, in the County of Lincoln, through Bottesford and Bingham to Nottingham-Trent-Bridge; and from Chappel-Bar, near the West-End of the Town of Nottingham, to St. Mary's Bridge, in the Town of Derby.*



**WHEREAS** the Roads leading from the Town of *Grant-*<sup>Preamble.</sup>  
*ham*, in the County of *Lincoln*, through *Bottesford*, in the County of *Leicester*, and by the Towns of *Elton* and *Whatton*, and through *Bingham* and *Radcliffe*, to *Nottingham-Trent-Bridge*, in the County of *Nottingham*; and from *Chappel-Bar*, near the West End of the Town of *Nottingham*, through the Towns of *Lenton* and *Stapleford*, in the said County of *Nottingham*; and through the Towns of *Risley*, *Burrowash*, and part of the Town of *Chaddestden*, in the County of *Derby*, to *St. Mary's Bridge*, in or near the said Town of *Derby*, are in a ruinous Condition, and in several Parts very narrow and incommodious, and dangerous to Passengers.

And, the said Roads cannot be effectually amended and kept in Repair by the ordinary Course provided by Law.

*May it therefore please Your most Excellent MAJESTY,*

That it may be **Enacted**; And be it **Enacted**, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal,

A



Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That

Trustees Names,



Trustees may  
erect Toll-houses  
and take Tolls.

shall be, and they, and their Successors, to be elected in Manner herein after mentioned, are hereby appointed Trustees for putting this Act in Execution; and they, or any , or more of them, shall or may cause to be erected such Gates or Turnpikes, in, or cross any Part or Parts of the said respective Roads; and also such Toll-houses near the same, as they the said Trustees, or any or more of them, shall think proper; and the following Tolls shall be paid at every such



such Turnpike, to such Person or Persons as the said Trustees, or any or more of them, shall by Writing under their Hands and Seals, from Time to Time, appoint to receive the same, before any Horse, or other Cattle, Coach, Waggon, or other Carriage whatsoever, shall be permitted to pass through the same; that is to say, For

which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll; and the Monies so to be raised, are hereby vested in the said Trustees, and the same, and every part thereof shall be applied, disposed of, or assigned, to and for the amending, widening, and keeping in Repair, the said respective Roads, and to and for such Uses and Purposes, and in such Manner, as herein after is mentioned; and if any Person or Persons subject to the Payment of any of the said Tolls, or any Part thereof, after Demand thereof made, shall neglect or refuse to pay the same, it shall be lawful for any Person or Persons appointed as aforesaid, to collect such Tolls <sup>any Horse</sup> or Horses, or other Cattle or Goods, upon which such Toll is by this Act imposed, or any of the Goods or Chattels of such Person or Persons so neglecting or refusing; and if such Toll, and the reasonable Charges of such <sup>How to be levied.</sup> shall not be paid within the space of Days, the Person or Persons so defaulting, shall and may the Goods so , returning the Overplus, (if any) upon Demand, to the Owner thereof, after such Toll and all reasonable Charges shall be deducted.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any or more of them, to cause to be erected one or more Gate or Gates, Turnpike or Turnpikes, on the Sides of <sup>Side Gates.</sup> the said respective Roads, and at the End of, or cross any Lane or Way leading into, or out of the same; and to cause such Tolls to be collected and levied, as are appointed by this Act to be taken, so as the same do not extend to a double Charge, in case of passing through any other of the Turnpikes.

Provided always, and be it Enacted, by the Authority aforesaid, That no Turnpikes shall be erected nearer to the Town of *Grantham* than <sup>No Turnpike to be erected nearer to Grantham, than Sidebrook Bridge, &c.</sup>

And also, that no Turnpike shall be erected across the Road leading to *Radford*,



*ford, or Nuttball, in the said County of Nottingham, or to Denbigh, in the said County of Derby.*

No Turnpikes shall be erected between Grantham and Nottingham, till is subscribed, or between Nottingham and Derby, till is subscribed.

**Provided also, and be it Enacted,** by the Authority aforesaid, That no Turnpikes shall be erected on any part of the said Road between the said Towns of *Nottingham*, and *Grantham*, until Subscriptions shall be obtained for advancing or lending the Sum of upon the Credit of the Tolls, to be collected between those Towns, and of all such Subscriptions shall be actually and *bona fide* advanced and paid to the Treasurer or Treasurers to be appointed for the said Road : And that no Turnpike shall be erected on any part of the said Road between the West End of the Town of *Nottingham*, and said Town of *Derby*, until Subscriptions shall be obtained for advancing or lending the Sum of upon the Credit of the Tolls, to be collected between the last mentioned Towns, and of all such Subscriptions, shall be actually and *bona fide* advanced and paid to the Treasurer or Treasurers, to be appointed for the said Road.

Turnpikes, Toll-houses, and Materials for mending the Road, vested in Trustees.

**And be it further Enacted,** by the Authority aforesaid, that the Right and Property of all the Gates, Turnpikes, and Toll-Houses, which shall be erected by virtue of this Act, and of the Materials for building the same, and for repairing the said Roads, shall be, and are hereby vested in the said Trustees, and they, or any or more of them, are hereby impowered to dispose thereof as they shall think proper, and to bring Actions, or to prefer Indictments, in the Names of any or more of them, or in the Name of their Clerk or Treasurer, against any Person or Persons, who shall disturb them in the Possession of the Property thereof.

No Turnpikes to be removed without Order of Trustees.

**Provided also, and be it Enacted,** by the Authority aforesaid, That no Turnpike to be erected or set up by virtue of this Act, shall at any Time, after the same shall be so set up, be taken down or removed to any other Place, except by Order of the Trustees, or any or more of them, at a public Meeting assembled, whereof Notice at the least shall be given in Writing, to be affixed on all Turnpikes to be erected by virtue of this Act.

How often Tolls shall be collected.

**Provided also, and be it Enacted,** by the Authority aforesaid, That no more shall be paid for the same Horses, Beasts, Cattle, or Carriages, in any one Day, to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night, than one Toll, for the passing through all, or any of the Turnpikes to be erected across, and on the Sides of the said Road, between the said Town of *Nottingham*, and the said Town of *Whetton* ; nor more than one Toll for passing through all or any of the Turnpikes to be erected across, and on the Sides of the said Road, between the said Town of *Grantham*, and the said Town of *Bingham* ; or more than one Toll for the passing through all or any the Turnpikes to be erected across, and on the Sides of the said Road, between the West End of the said Town of *Nottingham*, and the said Town of *Burrow-Ab* ; or more than one Toll, for passing through all, or any of the Turnpikes to be erected across, and on the Sides of the Road, between the said Town of *Derby*, and the said Town of *Risley* ; but that all, and every Person and Persons, after having paid Toll as aforesaid, shall, during the Remainder of such Day, pass Toll free with the same Horses, Cattle, Beasts, and Carriages, through the Turnpikes at which any such Toll was paid ; and also through all the Turnpikes across, and on the Sides of such respective Parts of the Roads as aforesaid, whereon such Toll shall be respectively paid, upon producing a Note or Notes, Ticket or Tickets, denoting the Payment of such Toll ; and which Notes or Tickets, the Collectors of the Tolls are hereby required to give, *Gratis* upon Payment of the Toll.



**And be it further Enacted**, by the Authority aforesaid, That it shall be lawful <sup>Trustees may reduce the Tolls.</sup> for the said Trustees, or any or more of them, assembled at a public Meeting, and they are hereby impowered from Time to Time, with the Consent of such Person or Persons, as shall be intituled to or more of the Money, which shall have been advanced upon the Credit of the Tolls, to be collected between the said Towns of *Grantbam* and *Nottingham*, and between the said Towns of *Nottingham* and *Derby* respectively, to lessen or reduce all, or any Part of the Tolls by this Act granted, and for such Time or Times, as they the said Trustees, or any of them shall think proper, and may afterwards from Time to Time, advance all, or any of the Tolls so lessened, to any Sum or Sums <sup>And again advance the same.</sup> of Money, not exceeding the respective Rates herein before mentioned; and the said Trustees, or any or more of them, may from Time to Time, order and direct the Tolls hereby granted, or so reduced as aforesaid, to be collected upon the said Roads respectively, in such Parts and Proportions as they shall think proper: And such reduced Tolls, and also such Parts and Proportions as aforesaid, shall, and may be collected, levied, and applied, in such and the same Manner as the Tolls hereby granted are directed to be collected, levied, and applied; but no Meetings shall be held for any of the Purposes aforesaid, unless previous Notice shall be given thereof in Writing, to be affixed upon all the Turnpikes, which shall be then erected by virtue of this Act, within or upon such respective Road; in Relation whereto, such Orders or Regulations, are intended to be made.

**And be it further Enacted**, by the Authority aforesaid, That if any Person or <sup>Persons suffering others to go through their Grounds; and such Passengers</sup> Persons whatsoever, owning or occupying any Land near to any Turnpike which shall be erected in pursuance of this Act, shall permit or suffer any Person or Persons to pass through any Gate, Passage, or private Way, with any Coach, Waggon, or other Carriage, Horse, or any other Cattle or Beasts; or if any Person or Persons shall with any Coach, Waggon, or other Carriage, Horse, or any other Cattle or Beasts, pass through any such Gate, Passage, or private Way, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or <sup>To avoid Payment of Tolls.</sup> if any Person or Persons shall take off, or cause to be taken off, any Horse, or other Cattle or Beast, from any Carriage, with an Intent to avoid paying any of the said Tolls, or any Part thereof, or shall leave, or cause to be left, upon or near to any Part of the said Roads, any Coach, Waggon, or other Carriage, Horse, or other Cattle or Beast, or shall unload or secrete any Goods, with such Intent as aforesaid; or if any Person or Persons shall give to, or receive from any Person or Persons, or forge or counterfeit any Note or Ticket, by this Act directed to be given, whereby the Payment of any of the said Tolls, or any Part thereof shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike, with any Carriage, Horse, Cattle or Beast, without Payment of the Toll, every Person so offending, in each of the Cases aforesaid, shall for every such Offence forfeit the Sum of <sup>To forfeit</sup>

**And be it further Enacted**, by the Authority aforesaid, That the said Trustees, <sup>Trustees may appoint Officers,</sup> or any or more of them, may appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the said Tolls, and also a Surveyor or Surveyors of the said Roads, and also such other Officers, as they shall think necessary to employ in the Execution of this Act; and from time to time to remove such Clerks, Treasurers, Collectors, Surveyors, and other Officers, as they shall see Occasion, and appoint new Ones in case of Death, or such Removal; and all and every of the Officers and Persons, so from time to time appointed; and also all Persons who shall be in any wise employed in the Receipt, or Expenditure of any of the Monies, arising by virtue of this Act, shall upon Oath (if thereunto required by <sup>Who are to account upon Oath, if required.</sup> the



the said Trustees, or any , or more of them, which Oath any Two of such Trustees are hereby impowered to administer) on the <sup>after every</sup> Quarter-day, or at such other time and times, as the said Trustees, or any or more of them shall appoint, give in a true, exact, and perfect Account in Writing, under their respective Hands, to the said Trustees, or any , or more of them, of all Monies, which such Officers and Persons shall to such time, respectively have received and disbursed by virtue of this Act, or by Reason of their respective Offices; and shall from time to time pay over all such Monies, as shall be in their Hands, to such Person or Persons, and in such manner, as the said Trustees, or any , or more of them, shall direct and appoint; and the said Trustees, or any , or more of them, to whom such Accounts shall be given, shall and may out of the Tolls to arise upon the said respective Roads, or out of the Monies to be borrowed on the Credit thereof, make such Allowances to the said Officers and Persons, for their Care and Pains, in, or in Relation to the Execution of this Act, as to the said Trustees, or any , or more of them, shall seem reasonable: And in case such Officer, or Person, shall not give in, or shall refuse to verify upon Oath any such Account, or to make such Payment, as aforesaid, that then any one or more Justice or Justices of the Peace, for any County in which any Part of the said Roads doth lie, shall make Enquiry concerning such Default, in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of one or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer without any Reward); and if any such Person shall be thereof convicted, such Justice or Justices shall the Party to

**Trustees to allow Officers Salaries.**

**Officers not making Accounts and Payments.**

**Justices may convene, and summarily determine, and upon Non-payment may commit.**

until he shall give and make a true and perfect Account, and verify the same, as aforesaid, and make such Payment, as aforesaid, or until he shall have compounded and agreed with such Trustees, or any , or more of them, and have paid such Composition to such Person or Persons, as the said Trustees, or any , or more of them, shall appoint; which Composition the said Trustees, or any , or more of them, at any Meeting assembled, are hereby impowered to make.

**Provided always, and be it further Enacted,** by the Authority aforesaid, That the said Trustees, or any , or more of them, shall take such Security from the Treasurer or Treasurers and Collectors, to be appointed, as aforesaid, for the due Execution of his and their respective Office and Offices, as the said Trustees, or any , or more of them, shall think fit.

**Trustees to take Security from the Treasurers and Collectors.**

**And be it further Enacted,** by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint to dig, gather, and take away any Gravel, Furze, Heath, Sand, Stones, or other Materials for repairing the said Roads, out of any River or Brook, or out of any waste or common Grounds in any Parish, Town, Village, or Hamlet, wherein or near which any Part of the said Roads doth lie, or in any neighbouring Parish, Town, Village, or Hamlet, without paying any thing for such Materials, but making such Satisfaction to the Owners or Occupiers of the private Grounds through which such Materials shall be conveyed, as the said Trustees, or any , or more of them, shall think reasonable; and also levelling or fencing about the Holes or Pits made by getting such Materials, in such Manner as that the same shall not be dangerous to Passengers or Cattle; and also it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint (such Surveyor or Surveyors, first having an Order in Writing of the Trustees, or any , or more of them for that Purpose, to dig, gather, and take away such Materials in the several Grounds of any Person or Persons (not being a Garden, Orchard, Yard, Park, Paddock, Wood, Coppice, Nursery, or planted Walk

**Surveyors may dig Gravel, &c. in waste Grounds.**

**Without paying for the same, and for want thereof, may take them from private Grounds,**



Walk or Walks, or Avenue to a House) paying such Rates for such Materials, to the Owners or Occupiers of the Ground where such Materials shall be taken, and over which the same shall be brought, as the said Trustees, or any or more of them shall adjudge reasonable; and in case of any Difference concerning any such Damages as aforesaid, the Justices of the Peace at any General Quarter Session, to be held within the Space of after such Difference shall arise, for the County wherein such Damage was sustained, shall and may adjudge, and finally determine the same; from which Determination there shall be no Appeal.

Making Satisfaction for Damages.

Justices to determine Differences.

**And be it further Enacted**, by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint from Time to Time, to remove and prevent all Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish or otherwise, and to turn any Water-courses, Sinks, or Drains, running into, along, or out of the same, or otherwise, to the Prejudice thereof; and to open, scour, or cleanse, any Water-courses, or Ditches, adjoining to any Part of the said Roads, and make the same as deep and large, as he or they shall think proper and necessary; and to make any new Drains adjoining to any Part of the said Roads, so as the same be not made through any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, or any Plantation, or Nursery for Trees; and to cut down, lop or top any Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto; and to take and carry away the same, in case the Owners or Occupiers of the Premises shall neglect to remove the same, or cut down and carry away such Trees or Bushes as aforesaid, or to open, scour, or cleanse, such Water-courses or Ditches, or remove such other Annoyances, for the space of next, after Notice in Writing, given for that Purpose, under the Hand or Hands of the Surveyor or Surveyors, or of the said Trustees, or any or more of them; the Charges whereof to be settled by the said Trustees, or any or more of them, shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers, so neglecting as aforesaid, and be recovered, levied, and disposed of, in such Manner as the Penalties and Forfeitures are herein after directed to be recovered, levied, and disposed of; and if after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of

Surveyors may remove Annoyances in the Road.

Owners neglecting to remove the same after Notice.

Surveyors to be reimbursed.

After second Offence to forfeit.

**And be it further Enacted**, by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, or such Persons as he or they shall appoint, by order of the said Trustees, or any or more of them, to make or cause to be made Causeways, and also Ditches and Drains, in and upon the said Roads, and through any Grounds, lying contiguous thereto, and to erect Bridges, or Arches, upon the said Roads, and also widen and render fit for Passage with any sort of Wheel-Carriages; which Wheel-Carriages are hereby authorised to pass and repass without Restraint, upon Payment of the Tolls hereby granted any of the narrow Parts of the said Roads, by opening and clearing the Grounds, over which the said Roads respectively lie, and the Grounds of any Person or Persons, lying contiguous to the same (not being the Ground whereon any House or Houses stand, or a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House) so as such Parts of the said Roads do not exceed in Width Yards; and also to make, or cause to be made, Roads through the Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads to be made use of by all Passengers, with Cattle, Coaches, Carriages, or otherwise, as a public Highway, whilst the old, narrow, or ruinous Road is repaired, or widening; and till such Time, as it shall be convenient and safe for Passengers and Carriages to travel, and go along the said Road intended to be repaired or widened, making such

Surveyors may make Causeways and cut Drains, &c.

And widen the narrow Parts of the Road.

And make a temporary Road thro' any adjoining Grounds



such reasonable Satisfaction to the Owners or Occupiers of such Ground respectively, through which any such Drains shall be cut, or on which any such Arches or Bridges shall be made, or which shall be laid into the said Road, or through which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any or more of them; and in Case any Difference concerning the same, shall arise between such Owners or Occupiers, and the said Trustees, that then it shall and may be lawful for the Justices of the Peace, at any General Quarter Session, to be held within the Space of after such Difference shall arise, for the County wherein such Damage was sustained, to settle, adjudge, and finally determine what Recompence shall be made to such Owners and Occupiers for such Damages; from which Determination there shall be no Appeal.

And may turn  
or alter the Roads  
over any waste  
Grounds.

**And be it further Enacted,** That the Trustees, or any or more of them, shall have full Power, from Time to Time, to turn or alter the Path of any Part of the said Roads, over any waste or common Grounds, without making any Satisfaction for the same; and to contract with any Owners or Occupiers of, and Persons interested in any private Grounds, or Hereditaments, for the Purchase thereof, or for the Damage they may sustain, by the turning or altering of any Part of such Roads; and out of the said Tolls, or of the Money borrowed on the Credit thereof, to pay for such Grounds or Hereditaments, or for such Damage, as aforesaid: And it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations, aggregate or sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees whatsoever, and all other Persons, to contract and agree with such Trustees for such Purchase or Recompence as aforesaid; and all Contracts, Agreements, and Conveyances, which shall be so made, shall be valid and effectual, to all Intents and Purposes whatsoever; and all such Persons are and shall be hereby indemnified for what they shall do, by virtue or in pursuance of this Act; and all such Grounds and Hereditaments, over which any Part of the said Roads shall be so turned, shall be deemed a public Highway, and be from thenceforth part of the said Roads for ever after; and the Lands in the former Road (in case such former Road shall not be upon any Common, or waste Ground, or shall not lead to any Town or Place, with which such new Road doth not communicate) shall be vested in, and sold by the Trustees, or any or more of them, for the best Price that can be got for the same; and the Money arising thereby shall be applied in the Repairing of the Road whereon such Alteration is made, and the Sale and Conveyance of such Grounds being executed by any or more of the Trustees, and inrolled with the Clerk of the Peace for the County wherein such Lands shall respectively lie, shall be good and effectual in Law, to all Intents and Purposes whatsoever.

Trustees may  
assign over the  
Tolls for Money  
borrowed.

**And be it further Enacted,** by the Authority aforesaid, That the said Trustees, or any or more of them, may, and they are hereby impowered from Time to Time, by any Writing or Writings, under their Hands and Seals, to assign over, or mortgage the Tolls arising upon the said respective Roads (the Costs and Charges of such Assignment or Mortgage, to be borne and paid out of such respective Tolls) for any Time or Term, during the Continuance of this Act, as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees, or any or more of them, to such Person or Persons, or his, her, or their Trustees, as shall advance and lend such Money to secure the Re-payment thereof, by and out of the Monies arising, or to be collected by the said respective Tolls, with such Interest for the same as the said Trustees, or any or more of them, shall think fit, not exceeding the Rate of for every One Hundred Pounds for a Year; but separate and distinct Assignments or Mortgages shall be

Interest, not to  
exceed  
per Cent.



be made of the Tolls arising upon the said Road, from *Grantham* to *Nottingham-Trent-Bridge*, and of the Tolls arising upon the said Road, from *Chapple-Bar* near the West End of the said Town of *Nottingham*, to *St. Mary's-Bridge*, in, or near the said Town of *Derby*, and the Monies so to be borrowed, shall be applied in such Manner as the respective Tolls so assigned or mortgaged, are by this Act directed to be applied, and to no other Purpose whatsoever; and that Copies of all such original Mortgages or Assignments shall be entered at length in a Book or Books to be kept for that Purpose for each respective Road, by the said Clerk or Clerks, Treasurer or Treasurers; which said Books, shall and may be perused at all seasonable Times by any Person or Persons whomsoever, without Fee or Reward; but no Money shall be borrowed by the said Trustees, upon the Credit of any of the said respective Tolls, unless

Notice be given thereof, by Writing, affixed upon all the Turnpikes erected by virtue of this Act, upon the respective Road, for, or in Relation whereto such Money shall be intended to be borrowed; and all and every Person and Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, shall be made, or who shall be intitled to the Money thereby secured, shall and may, from Time to Time, by Words of Assignment, to be indorsed on his, her, or their Security or Securities, or by any Deed or Writing, under his, her, or their Hand and Seal, or Hands and Seals, to be duly executed in the Presence of or more credible Witnesses, assign or transfer his, her, or their Right to the Principal and Interest Monies thereby secured, or any Part thereof, to any other Person or Persons whomsoever; which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers, within Days after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Names of the Parties, and Sums of Money therein mentioned to be transferred in the said Book or Books, to be kept for the entering the said original Assignments; for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of and no more; and after such Entry made, such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon, and such Assignee may, in like Manner, assign again, and so *toties quoties*; and it shall not be in the Power of such Person or Persons who shall have made such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

Assignment may be transferred.

**And be it Enacted**, by the Authority aforesaid, that no Preference shall be given to any Person or Persons whatsoever, advancing any Part or Parts of the gross Sum, so to be borrowed upon the said respective Tolls, in respect to the Priority of advancing his, her, or their Part or Parts thereof, but that all such Lenders and Persons, to whom such Assignments shall be made, as aforesaid, shall so far as the said gross Sum shall extend, be and are hereby declared to be Creditors on such respective Tolls, in equal Degree one with another.

No Preference of Security.

**And be it further Enacted**, by the Authority aforesaid, That the Expences incident to and occasioned by the obtaining of this Act, shall be in the first Place paid and discharged out of the Tolls to be collected or raised on the said respective Roads, between *Grantham* and *Nottingham-Trent-Bridge*, and between *Chapple-Bar* near the West End of the Town of *Nottingham*, and *St. Mary's-Bridge*, in, or near the Town of *Derby*, or the Monies to be borrowed on the Credit of such Tolls respectively, in Proportion to the Extent of such respective Roads, such Proportions to be settled by the said Trustees, or any or more of them; and that after such Expences are discharged, as aforesaid, the residue of the Tolls and Monies

Charges of the Act.



Separate Accounts.

nies arising upon, or on Account of each of the said respective Roads, and the Monies to be borrowed on the Credit of such Tolls respectively, shall be from Time to Time applied in erecting and maintaining the Turnpikes and Toll-houses, and of repairing and widening the respective Road whereon or upon Account whereof such Tolls or Monies shall arise or be borrowed, and for defraying the necessary Expences of executing the several Purposes of this Act, upon, and in relation to such Road respectively; and that no Part of the Tolls or Monies arising upon, or in respect to the said Road from *Grantham* to *Nottingham-Trent-Bridge*, or the Monies to be borrowed on the Credit of such Tolls, shall upon any Account whatever, be applied or expended in, or upon Account of repairing or widening the said Road from *Chapple-Bar*, near the West End of the Town of *Nottingham*, to *St. Mary's-Bridge*, in or near the said Town of *Derby*, or for executing any of the Purposes of this Act in relation thereto; nor shall any Part of the Tolls or Monies arising upon, or in respect of the said Road, from *Chapple-Bar*, near the West End of the Town of *Nottingham*, to *St. Mary's-Bridge*, in or near the Town of *Derby*, or the Monies to be borrowed on the Credit of such Tolls, be upon any Account whatsoever, applied or extended in, or upon Account of repairing and widening the said Road from *Grantham* to *Nottingham-Trent-Bridge*, or executing any of the Purposes of this Act in relation to such Road; but that separate and distinct Accounts shall be kept of the Rents and Expenditures of such respective Tolls and Monies, any Thing herein contained to the contrary notwithstanding.

Exemptions.

And it is hereby Enacted, by the Authority aforesaid, That no Toll shall be demanded or taken for any Cattle, or Carriage, laden with Gravel, Stones, or other Materials, for repairing the said Roads, or any Road in any of the Townships or Hamlets in which the same do lie, or in any of the next adjoining Townships or Hamlets; or any Dung, Mould, Soil, Marl, Chalk, or Compost, for manuring the Grounds in such Township or Hamlet, as aforesaid; or laden with Grass, Hay, Saint-Foin, Fodder, Straw, Corn in the Straw, or Wood for Fuel; Lop-or-Top-Wood to be laid up in the Houses, Barns, Out-Houses, or to be set or stacked upon any part of the Lands, or Premises of the respective Inhabitants, Land-Owners, or Land-holders, for their own private Use and Consumption, in any Townships or Hamlets in which any of the said Turnpikes shall be erected, or in any of the next adjoining Townships or Hamlets; or for any Ploughs, Harrows, or other Implements of Husbandry, to be used for tilling or stocking of any Lands, in any of the Townships or Hamlets in which such Turnpikes shall be erected, or in any of the next adjoining Townships or Hamlets; or any Timber, or other Materials to be used and employed in building or repairing of any Houses, Out-houses, or Buildings, in such several Townships or Hamlets; nor for any Horse or Horses, or other Cattle, going to or from Water, Pasture, or Plough, or other Tillage, or Work in Husbandry, upon or in any of the Lands within such said several Townships or Hamlets; or of any Person or Persons, for passing to and from his or their Parish-Church, respectively, on Sundays, or attending any Funeral to such Church, or returning from any such Funeral; nor for any Post-horse, carrying the Mail or Packet, or Horses of any Soldiers passing, who are upon their March, or for Horses or Carriages belonging to, and passing with them, or carrying their Baggage, or for Horses or Carriages travelling with Vagrants sent by Passes; nor shall any Toll be demanded or taken for any Coaches, Berlins, Landaus, Chariots, Chalafhes, Chaises, Chairs, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire, to serve in Parliament for the County of *Lincoln*, *Nottingham* or *Derby*, or of a Burgess or Burgeesses to serve in Parliament for the City of *Lincoln*, or for the Town of *Nottingham*, *Derby*, or *Grantham*, on the Day or Days of any such



such Election, or the Day before, or Day after any such Election shall begin or be concluded.

**Provided nevertheless,** That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, every such Person shall forfeit the Sum of <sup>Penalty of claiming Exemptions, not being intitled</sup> whereof shall be paid to the Infirmary, and shall be applied in such Manner as the other Penalties are hereinafter directed to be applied.

**Provided also, and be it further Enacted,** That it shall and may be lawful to and for all Persons travelling with Carriages, upon any part of the said Road, between *Grantbam*, and *Nottingham-Trent-Bridge*, to draw the same with as many Horses as they might otherwise have done had not this present Act been made, until

**Provided also, and it is hereby Enacted,** That all Persons, who are by Law obliged to do Statute-work, or chargeable towards amending the said Roads, shall still remain liable and chargeable, and do their respective Works in the Parishes in which the said Roads do lie, in such manner as such Persons ought to have done before the passing of this Act. <sup>Persons liable to repair the Highways, still to continue so.</sup>

**And be it further Enacted,** by the Authority aforesaid, That it shall be lawful for the said Trustees, or any or more of them, and they are hereby authorized and required, to summon the Surveyor or Surveyors of the Highways, for their respective Townships or Hamlets, wherein any part of the said Roads doth lie. And in case no Surveyor or Surveyors is or are appointed for any such Township or Hamlet, then to summon the Churchwardens or Overseers of the Poor of any such Township or Hamlet, to bring in Writing before such Trustees, or any of them upon Oath (which Oath they are hereby impowered to administer) within Days after such Summons, a List of the Names of the several Persons, who within each Township or Hamlet, respectively, are obliged by Law to do their Statute-work for that Year with Teams or Draughts, or otherwise; as also the Number of Days Work, which each Person ought to do on the Roads in their several Townships or Hamlets respectively, part of which said Statute-work, not exceeding Days, for each Person, shall be done at such times, (Hay-time and Harvest except) in such manner, and in such part of the said Roads, as the Trustees, or any or more of them, or their Surveyor or Surveyors, shall from time to time direct and appoint; and if any Person shall neglect or refuse to do such Statute-work, every such Person for every Day, he or she shall make Default, shall forfeit the Sum of for each Team or Draught, and every House-holder and other Person, shall forfeit and pay the Sum of for each Days Default, over and above such Penalties as they respectively are now by Law subject to, for neglecting to do their Statute-work: And in case any of the Surveyors of the Highways, Churchwardens, or Overseers of the Poor, shall refuse or neglect to give in a List of the Names as aforesaid, to such Trustees, then every such Surveyor, or Churchwarden, and Overseer, shall, for every such Neglect or Refusal, forfeit the Sum of <sup>Trustees may summon Surveyors.</sup>

**Provided always, and be it Enacted,** by the Authority aforesaid, That it shall be lawful for the said Trustees, or any, or more of them, to compound or agree by the Year, or otherwise, with any Person or Persons, for the Performance of his



his, her, or their Statute-work on the said Roads; and also it shall be lawful for the Surveyor or Surveyors of the Highways, of any of the said Townships, or Hamlets, or such Churchwardens, or Overseers of the Poor, as aforesaid, (by and with the Consent of the Inhabitants of such Townships, or Hamlets, first had at any Vestry, or other publick Meeting of such Inhabitants) to compound and agree by the Year, or otherwise, with the Trustees, or any , or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said Roads; which Composition-Monies shall be instantly paid, and shall be applied in the Repair of the respective Road, of which the Road is, in respect whereof such Composition shall be made, in part; and all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Monies so by them paid, in such manner as Surveyors of the Highways are by the Laws now in being to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

**And be it further Enacted,** That the said Trustees, or any , or more of them, shall, and may, and they are hereby impowered to compound, or agree with any Person or Persons, usually travelling the said respective Roads (except Persons carrying Goods for Hire) for any Sum or Sums of Money, to be paid annually, or otherwise, in lieu of the said Tolls granted by this Act.

**And be it further Enacted,** That the said Trustees, or any , or more of them, shall cause the said Roads to be measured, and Stones or Posts, to be set up, in or near the Sides thereof, at the Distance of from each other, denoting the Distance of every such Stone or Post, from *London*, or any other Place, as to such Trustees shall seem meet; and if any Person shall wilfully and maliciously break, or pull up any such Stone or Post, or any Part thereof, or shall obliterate or deface any of the Letters, Figures, or Marks, which shall be inscribed thereon, every such Person, shall, for every such Offence, forfeit the Sum of whereof shall be paid to the Informer, and the shall be applied in such Manner as the Penalties are herein after directed to be applied.

Penalties, how  
to be recovered.

**And be it Enacted,** by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof, is not otherwise particularly directed) shall be levied and recovered by

of the Offenders Goods and Chattels, by Warrant under the Hands and Seals of the said Trustees, or any or more of them, or of or more Justices of the Peace for the County wherein the Offence shall be committed; which Warrants the said Trustees, or any or more of them, or the said Justices, are hereby impowered and required to grant, upon the Information of any or more credible Witnesses upon Oath (which Oath the said Trustees, or any or more of them, or the said Justices, are hereby impowered and required to administer, without Fee or Reward) and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattels shall be so (the Charge of such being first deducted) shall be paid

to the Trustees, or any or more of them, or their Treasurer or Treasurers, and shall by them respectively be applied, (if not otherwise directed to be applied by this Act) for and towards the amending the respective Road, whereon, or in relation whereto, such Offence shall be committed; and in Case sufficient shall not be found, and such Penalties or Forfeitures shall not be paid, it shall and may be lawful for such Trustees or Justices; and they are hereby authorized and required, by Warrant under their Hands and Seals, to such Offender to

For want of  
Offender, to be  
committed.



**Provided always, and be it further Enacted,** by the Authority aforesaid, <sup>Persons aggrieved may appeal to the Quarter Session.</sup> That in Case any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, it shall be lawful for him or her to appeal to the Justices of the Peace, at their next general Quarter Session of the Peace, to be held for the County wherein the Cause of such Appeal shall arise, who are hereby authorized and required to take Cognizance thereof, and to here and determine the Complaint of any such Person, in a summary way; and if they see Cause, may by Order of such Session, mitigate at their Discretion, all or any of the Penalties aforesaid, or vacate and set aside the Convictions, and set the Parties at Liberty, or otherwise may ratify or confirm the same, with such Costs as to them shall seem reasonable, and to make such Orders and Judgment, in regard to the Premises, as they shall think right and reasonable; but no Conviction shall be quashed for Want of Form only.

**Provided also, and be it further Enacted,** by the Authority aforesaid, That <sup>No Proceeding to be quashed for want of Form, or be removeable by Certiorari.</sup> no Proceeding to be had, touching the Conviction of any Offenders against this Act, shall be quashed, or vacated for Want of Form, or be removeable by *Certiorari*, or any other Process whatsoever, into any of his Majesty's Courts of Record at *Westminster*.

**And be it further Enacted,** by the Authority aforesaid, that this Act, and all <sup>Continuance of this Act.</sup> the Powers hereby given, shall take Place, and have Continuance only from and after the passing thereof, for and during the Term of

**And be it further Enacted,** by the Authority aforesaid, That when any Trustee hereby appointed, or hereafter to be elected, shall die, or refuse to act, it shall <sup>On Death, &c. of Trustees, others to be chosen.</sup> be lawful for the surviving, or remaining Trustees, or any or more of them, from Time to Time, to elect and appoint one fit Person living in the County of *Lincoln, Leicester, Nottingham, or Derby*, or in the Town of *Nottingham*, in the Room of every Trustee so deceased, or refusing to act; but Notice in Writing, of the Time and Place of Meeting for the Election of all such new Trustees, shall be fixed on all the Turnpikes to be erected by virtue of this Act, at least Days before the Meeting for such Election: And all such Persons, as shall, from time to time, be so chosen and appointed, shall be joined with such surviving or remaining Trustees; and they are hereby impowered to act to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees hereby appointed, are impowered to act and do.

**Provided always, and be it further Enacted,** by the Authority aforesaid, <sup>Trustees first Meeting.</sup> That the Trustees hereby appointed, or any or more of them, shall meet together at



upon the

and shall then proceed to the Execution of this Act; and then, and from Time to Time, afterwards adjourn themselves, and meet there, or at any other Place, near the said respective Roads, as the said Trustees, or any or more of them, shall from Time to Time, think most convenient, as often as it shall be necessary for putting this Act into Execution: And if it shall happen, that there shall not appear, at any such Meeting, a sufficient Number of Trustees to act, and to adjourn to another Day, the Treasurer or Clerk to the said Trustees, shall, from Time to Time, as often as such Case shall so happen, by public Notice in Writing, to be affixed on the Turnpikes then erected on the Road, for which such Meeting was appointed to be held

at least Days before the next Meeting, appoint the said Trustees to meet at the House where the last Meeting was appointed to be held, or at some other convenient House, in or near such respective Road, on that Day from the Day on which such Meeting was appointed to be held; and that the Trustees at all their Meetings, shall defray their own Charges and Expences.

Qualifications of  
Trustees.

**Provided nevertheless, and be it Enacted,** That no Person shall be capable of acting as a Trustee in the Execution of this Act, who is not in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits, of Lands, Tenements, or Hereditaments, of the clear yearly Value of above Reprizes, or is possessed of or entitled to a personal Estate alone, or a real and personal Estate together, of the Value, or to the Amount of after all his Debts are paid. And if any Person, so made incapable, shall presume to act, every such Person for every Offence, shall forfeit the Sum of to be recovered in a summary Way, before the Justices of the Peace, at their Quarter Sessions, or before the Judge or Judges of Assize, for the said Counties of *Lincoln, Leicester, Nottingham, and Derby*; and the Person so prosecuted shall prove, that he is qualified as above, or otherwise shall pay the said Sum of without any other Proof or Evidence on the Part of the Prosecutor, than that such Person had acted as a Trustee in the Execution of this Act of which said Forfeiture shall be paid to the Prosecutor, and the thereof to be applied in the repairing the said Roads.

No Trustees to  
act during his  
Enjoyment of  
any Places of  
Profit under this  
Act.

**Provided always, and be it further Enacted,** by the Authority aforesaid, That no Person shall be capable of acting as a Trustee, during his Enjoyment of any Place of Profit under this act: And if any Inholder, Victualler, or Person who shall be licensed to sell or retail any spiritous or fermented Liquors, shall be appointed a Collector of the said Tolls; the License or Licenses, to every such Person, for selling or retailing such Liquors, shall from the Time of such Appointment, be absolutely void.

No Order shall  
be repealed, un-  
less be  
present.  
And Days  
previons Notice  
given.

**Provided also, and be it Enacted,** by the Authority aforesaid, That no Act, Order, Determination, or other Proceedings of the said Trustees, or any of them, in the Execution of this Act, shall be revoked, repealed, or altered at any subsequent Meeting, unless Trustees shall be present, and Days previous Notice in Writing shall be given of such Meeting, upon all the Turnpikes upon the respective Road, to which such Order or Determination shall relate,

No Collector as  
usual shall gain  
a Settlement.

**Provided also,** That no Collector of the Tolls, to be appointed by virtue of this Act, shall gain any Settlement in the Parish or Place where he shall collect any of the said Tolls, by reason of his being appointed such Collector.



**Provided also, and be it further Enacted,** by the Authority aforesaid, That such Trustees as are or shall be in the Commission of the Peace for the said County of *Lincoln, Leicester, Nottingham, or Derby*, shall, and may, notwithstanding their being Trustees, act as Justices of the Peace, for the more speedy and effectual putting in Execution the several Powers hereby given. Trustees being Justices, may act as such.

**Provided also, and it is hereby further Enacted,** by the Authority aforesaid, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered, shall be signed by the Clerk or Clerks to the said Trustees, at any meeting of or more of the Trustees assembled, as the Case shall require; and such Orders shall be deemed and taken to be original Orders; which said Book or Books, and also the said Book directed to be kept for Registering the said Mortgages, Assignments, or Transfers, shall and may be produced and read in Evidence in all Courts whatsoever. Proceedings of Trustees, to be entered in a Book, &c.

**Provided also,** That no Mortgage, Assignment, Transfer, or any Writing whatsoever, under the Hand and Seal of, or only signed by any of the Trustees, or any Justice or Justices of the Peace, in or relating to the Execution of this Act, shall be chargeable with any Stamp-Duty whatsoever. No Stamp Duty

**And be it further Enacted,** by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, the same shall be commenced within Months next after the Fact committed, and not afterwards, and shall be laid or brought in the said County of *Lincoln, Leicester, Nottingham, or Derby*, where the Cause of Suit shall have arose, and not elsewhere. And the Defendant or Defendants in such Action or Suit, shall and may plead the general Issue, and give this Act, and the special Matter in Evidence, at any Trial to be had thereon, and that the same was done in pursuance; and by the Authority of this Act; and if it shall appear so to be done, or that such Action or Suit shall be commenced after the Time before limited, for bringing the same, or shall be brought in any other County or Place, that then the Jury shall find for the Defendant or Defendants, and upon the Verdict for the Defendant; or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law. Limitation of Actions.

**And be it further Enacted,** by the Authority aforesaid, That this Act shall be adjudged, deemed, and taken to be a Public Act, and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same. Public Act.



*Handwritten notes on the left margin, including "H20" and "H21".*

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*A BILL for Repairing and Widen-  
ing the Roads from Grantham, in  
the County of Lincoln, through Bot-  
tesford and Bingham to Notting-  
ham -Trent-Bridge ; and from  
Chappel Bar, near the West-End of  
the Town of Nottingham, to St.  
Mary's-Bridge, in the Town of  
Derby.*

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